



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

201946



ACTION MEMORANDUM RV1

DATE: JUL 14 2009

SUBJECT: Confirmation of Verbal Authorization and Request for Ceiling Increase for the CERCLA Emergency Removal Action at the Alfred Heller Heat Treating Site, 5 Wellington Street, Clifton, Passaic County, New Jersey

FROM: Cris D'Onofrio, On-Scene Coordinator
Response and Prevention Branch

TO: Walter E. Mugdan, Director
Emergency and Remedial Response Division

THRU: Eric Mosher, Chief
Response and Prevention Branch

Site ID: A213

I. PURPOSE

The purpose of this Action Memorandum is to confirm and document the verbal authorization in the amount of \$300,000 granted by the Division Director of the Emergency and Remedial Response Division ("ERRD") on April 22, 2009 to conduct an emergency removal action at the Alfred Heller Heat Treating Site ("Site"); and to request a ceiling increase for the completion of the planned removal action. The ceiling increase requested is for an additional \$1,250,000 of Direct Extramural Funds, of which \$900,000 is from the Regional Removal Advice of Allowance. The total site ceiling would be raised to \$1,550,000, of which \$1,150,000 would be for mitigation contracting. The additional funding will allow for the continued inventory, categorization, sampling, analysis and disposal of all hazardous materials located at the Site.

The Site was a metal heat treating and zinc plating facility that entered into Chapter 7 Bankruptcy in January, 2009. A Bankruptcy Trustee ("Trustee") has been appointed by the Federal Court and is in the process of managing the case. Representatives from the Clifton Fire Department ("CFD") requested the U.S. Environmental Protection Agency ("EPA") to accompany them on an inspection of the facility on March 11, 2009, because of their suspicion that hazardous materials were stored inside the premises. That inspection included representatives of the CFD, New Jersey Department of Environmental Protection ("NJDEP") and the EPA. During the assessment it was discovered that there were enough hazardous materials being improperly stored on-site to warrant a removal action. An immediate issue of concern involved the storage of approximately

170 tons of molten sodium nitrite/nitrate salt (an oxidizer) that required continuous heating to prevent solidification inside the furnaces. EPA was informed by the facility owner that if the salts were allowed to solidify, removal from the furnaces could take weeks of hand labor to complete.

The Assistant Director of the NJDEP Site Remediation Program referred the Site to EPA for a Superfund removal action on March 16, 2009. Subsequently, the CFD served the Trustee with a notice of violations based on issues identified during the March 11, 2009 inspection. The CFD stipulated that corrective actions would need to be completed before the Trustee would be allowed to conduct an auction scheduled for April 30, 2009. The Trustee acknowledged that there were insufficient funds available to take corrective actions or to continue operation of the salt furnaces for an extended period of time.

Based on the above-stated conditions at the Site, the Region 2 Emergency Response and Remedial Division Director verbally authorized the use of funds under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") of 1980, as amended by, and documented in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP") to initiate a time-critical removal action on April 22, 2009.

The Site is not proposed for listing on the National Priorities List ("NPL"). There are no nationally significant or precedent setting issues associated with this removal action.

II. SITE CONDITIONS AND BACKGROUND

The Comprehensive Environmental Response, Compensation and Liability Information System Identification Number for the Site is NJD002142412. The removal action was initiated as an emergency removal action.

A. Site Description

1. Removal site evaluation ("RSE")

The Alfred Heller Heat Treating Site is located at 5 Wellington Street, Clifton, Passaic County, New Jersey. The Alfred Heller Heat Treating Company, Inc. (the "Company") was founded in 1933, and originally operated in Manhattan, NY, to provide heat treating services to the metal working industry in the New York/New Jersey metropolitan area. The Company was relocated in 1962 to its present location in Clifton, NJ. The facility is approximately four acres in size and contains six contiguous buildings with an approximate floor space of 75,000 square feet.

The facility is located in a densely populated, mixed residential and light industrial area of Clifton. There are four schools located within less than a 0.5 mile radius of the Site. The Passaic River is less than ¾ miles to the east of the Site.

The Company performed heat treating and metal finishing services to various industrial customers including the aircraft and ordnance business sectors. Initially the Company

specialized in salt pot work where metal parts were first submerged in molten potassium chloride and subsequently dipped into quenching oils in order to achieve specific metallurgical properties. Metal parts treated included tool steels and structural aircraft parts.

In the 1960s, the Company added batch furnaces for heat treating tool parts and copy machine parts. Later, in 1968 the first austempering furnace was added to the facility for production heat treating of spring steel and tool parts. The austempering process used by the Company included the oven heating of metal parts to temperatures in the 1500°F range, with subsequent heat quenching in a molten sodium nitrite-sodium/potassium nitrate bath (at approx. 500°F) to obtain specific metallurgical properties. Eventually a second austempering furnace was added to the facility to increase capacity. (The combined molten salt capacity of the two furnaces is approximately 170 tons.) Additional business in the late 1960s included copper brazing of grenade parts for the armed forces.

The Company initiated plating operations in the 1970s. Originally the operations centered on mechanical plating where mild acids, copper and zinc dust were used in the process. Electroplating operations were started circa 1985 when the zinc phosphate and zinc electroplating lines were added to the facility. Chemicals that were used in recent zinc plating and heat treating operations included acids, sodium hydroxide solutions, chromate solutions, zinc phosphate, a sodium/potassium-nitrite/nitrate mixture (an oxidizer) used for austempering, and mineral oils used as quench oils in the production heat treating process. Trichloroethylene was used as a degreaser for some metal parts.

The Company entered into Chapter 11 Bankruptcy in 2008. The operation continued to fail, ceased operations and entered into Chapter 7 Bankruptcy in January 2009. In early March, 2009, representatives from the CFD requested the EPA to accompany them on an inspection of the facility because of their suspicion that hazardous materials were stored inside the premises. That inspection included representatives of the CFD, NJDEP and the EPA.

The following chemicals and hazardous materials were estimated to be present at the Site at the time of the initial inspections conducted in March and April:

- Approximately 30,000 gallons of used quench oil stored in totes in various buildings;
- Additional oil contained in below-grade reservoirs for heat treating furnaces at various locations around the Site;
- One 30-cubic yard roll-off of zinc oxide sludge staged in a parking lot;
- Approximately 60 drums of zinc oxide sludge;
- Approximately 60 new product drums of sodium nitrite/nitrate oxidizer, and 40 drums of sodium nitrite/nitrate sludge;
- Approximately 400 drums of various chemicals, including solvents, acids, caustics, paint, oxidizers and unknown chemicals;

- Two zinc electroplating lines that contain plating chemical residue and sumps that potentially contain hundreds of gallons of unknown waste chemicals;
- Approximately 50 fiber drums of elemental zinc balls;
- Partially full ammonia and natural gas tanks;
- Two below-grade process tanks that contain 170 tons each of molten sodium nitrite;
- Open-top metal treatment tanks containing liquid and solidified sodium hydroxide.

The Asst. Director of the NJDEP Site Remediation Program referred the Site to EPA for a Superfund removal action on March 16, 2009.

EPA conducted a second assessment of the Site on April 21, 2009. That assessment confirmed the presence of hazardous substances at the Site; the need for continuous operation of the sodium nitrite/nitrate salt furnaces; and that site structures were in a deteriorating condition with roof/building leaks, puddles of rainwater on the floor, partially collapsing ceiling and wall boards, evidence of oil/chemical spills, improperly stored chemicals and other poor housekeeping. It was determined at that time that conditions at the Site met the criteria for a removal action under CERCLA.

EPA subsequently met with the Trustee and the CFD to discuss the fire code violations and the potential for corrective action implementation by the Trustee. At that time, the Trustee acknowledged that there were insufficient funds available to take corrective actions or to continue operation of the salt furnaces for an extended period of time. The Trustee signed an access agreement on April 24, 2009 to allow EPA to initiate a removal action and begin immediate stabilization of site conditions.

Based on the site conditions confirmed during the April 21, 2009 assessment, the Region 2 Emergency Response and Remedial Division Director verbally authorized the use of \$300,000 in CERCLA funds to initiate an emergency removal action on April 22, 2009.

2. Physical location

The Alfred Heller Heat Treating Site is located at 5 Wellington Street, Clifton, Passaic County, New Jersey. The facility is approximately four acres in size and contains six contiguous buildings. The Site is located in a densely populated, mixed residential and light industrial area of Clifton. The Site is bordered by Route 46 and a residential neighborhood to the south; by a food production facility and other light industry to the north; and by mixed residential/light industry to the east and west. There are four schools located within less than a 0.5 mile radius of the Site. A public park is located within 1/10th mile to the west of the Site. The Passaic River is less than 3/4 miles to the east of the Site.

3. Site characteristics

The Site is a former heat treating and zinc plating/conversion coating facility. The Site consists of six contiguous buildings on an approximately four acre lot. Inside the facility buildings there are 2 zinc electroplating lines, one zinc phosphate conversion coating line and approximately 30 heat treating furnaces of various sizes. Included in the heat treating furnaces are three austemper furnaces; two of which contained an approximate total of 170 tons of molten sodium nitrite/nitrate at the time of initiation of the removal action. Additionally, three of the heat treating furnaces contain approximately 2,000 gallons each of halogen-contaminated quench oils. There are approximately 30,000 gallons total of waste oil contained both in the furnace reservoirs and in totes stored inside the facility.

The Site also houses two laboratories that contain various laboratory chemical containers including acids, bases, solvents and other chemicals. Approximately 596 drums of waste and/or product have been identified on-site since initiation of the removal action. Additionally there are seven above-ground storage tanks and one under-ground storage tank located on Site property.

This is the first EPA removal action taken at this Site.

4. Release or threatened release into the environment of a hazardous substance, or pollutant, or contaminant

During EPA's March and April 2009 site visits, a preliminary inventory of abandoned wastes was conducted in areas of the building that could be accessed. Ongoing removal activities are also being conducted. Based on these field activities, the following table was prepared which provides a synopsis of a portion of the wastes identified thus far.

The following is an abbreviated list of CERCLA hazardous substances, as defined in 40 CFR Table 302.4, which have been identified to exist on the Site by EPA.

Description of Material	Statutory Source for Designation as a Hazardous Substance under CERCLA
sodium nitrite	1
sodium hydroxide	1
ammonia	1
hydrochloric acid	1,3
chromium compounds	2,3
zinc and compounds	2

1. CWA Section 311(b)(2)
2. CWA Section 307 (a)
3. CAA Section 112
4. RCRA Section 3001

The facility is currently fenced; however, the building is open to the environment. There are residences within 100 feet of the building. There are four schools located within less than a 0.5 mile radius of the Site. The contents of much of the material contained within the facility are unknown and in poor condition. The potential for incompatible materials to mix and react does exist. It is not possible, at this time, to predict the products of those reactions. The combination of the building's deterioration, the seasonal variation of temperatures adversely affecting the chemical containers, and the potential for acts of vandalism are the most likely mechanisms for future releases at this Site.

There are also several open top vats that contain acids/bases and open sumps beneath the zinc plating lines that contain corrosive liquids of unknown composition. It is currently unknown if the sumps have leaked in the past or are actively releasing to the environment at this time. Left in their current condition (containing corrosive liquids), the potential for the sumps to begin to release or to continue releasing will increase. The sumps would need to be emptied and cleaned to evaluate the nature and extent of any releases that may have already occurred.

5. NPL status

The Site is not on the NPL, nor is it expected to be listed on the NPL.

6. Maps, pictures and other graphic representations

Not applicable.

B. Other Actions to Date

1. Previous actions

The Site was referred to the EPA by NJDEP on March 16, 2009. There were no other actions prior to this date.

2. Current actions

The EPA, CFD, and the NJDEP conducted a preliminary site visit on March 11, 2009. At that time it was estimated that there were over 400 drums containing various wastes and chemicals, 170 tons of molten sodium nitrite/nitrate (an oxidizer), approximately 30,000 gallons halogen-contaminated oil, and various laboratory chemicals on-site. Based on the concerns expressed by the CFD and observations made at the time of the site visit, the Asst. Director of the NJDEP Site Remediation Program referred the Site to EPA for a Superfund removal action on March 16, 2009.

EPA conducted a second assessment of the Site on April 21, 2009. That assessment confirmed the presence of hazardous substances at the Site; the need for continuous operation of the sodium nitrite/nitrate salt furnaces; that conditions at the Site met the criteria for a removal action under CERCLA; and that there were insufficient funds available for the Trustee to take corrective actions or continue operation of the salt furnaces for an extended period of time. Based on the conditions at the Site, the Region 2 Emergency Response and Remedial Division Director verbally authorized the use of CERCLA funds to initiate an emergency removal action on April 22, 2009.

EPA mobilized the ERRS contractor and the USCG Atlantic Strike Team ("AST") on April 27, 2009 and April 28, 2009, respectively. Initial actions included assuming control of the sodium nitrite/nitrate furnace operation and conducting a comprehensive visual and air monitoring assessment of the facility to identify any potentially immediate threats to site personnel or the environment. Chemical containers were stabilized to minimize airborne contaminants within the buildings and prevent accidental spillage.

The Trustee conducted an auction at the Site on April 30, 2009. Since the auction, various purchasers of equipment have been operating on-site to claim their purchases. EPA has taken precautionary measures to ensure that there were no immediate threats to auction participants and to prevent any accidental spills that might be caused by such participants during auction-related activities. Precautionary measures taken include ensuring adequate ventilation of the buildings, conducting continuous air monitoring, stabilizing chemical containers, and moving chemical containers into secure locations to minimize the potential for accidental spills/contact by auction participants. EPA is currently continuing with restaging/stabilization of chemical containers and is conducting waste sampling and characterization activities. Removal of shock sensitive picric acid has been effected and removal activities are on-going at this Site.

C. State and Local Authorities' Roles

1. State and local actions to date

The CFD and the NJDEP conducted a site inspection on March 11, 2009. As a result of that inspection the CFD issued a notice of violations (dated March 11, 2009) to the Company and the Trustee.

The Asst. Director of the NJDEP Site Remediation Program referred the Site to EPA for a Superfund removal action on March 16, 2009. Subsequently, the NJDEP issued a notice of violations to the Trustee on April 6, 2009.

2. Potential for continued state/local response

The City of Clifton and NJDEP will continue to act in an advisory/supporting role throughout the removal action. The City will maintain a police presence in the form of

frequent drive-bys and will alert EPA of any suspicious conditions. NJDEP will be able to provide guidance on clean-up levels and applicable, relevant, and appropriate requirements.

No additional response from the local or state entities beyond those mentioned above is expected.

III. THREATS TO PUBLIC HEALTH, OR WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions at the Site meet the requirements for implementation of a CERCLA removal action. The potential release for hazardous substances from the Site present a threat to the public health and welfare as defined by Section 300.415(b) (2) of the NCP.

A. Threats to Public Health or Welfare

The presence of CERCLA hazardous substances at the Site continues to meet the criteria for a CERCLA removal action as defined by Section 300.415(b)(2) of the NCP. The following criteria are directly applicable to the threats which exist at the Site:

(i) Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

The property is secured by fencing; however, the fencing is easily breached. The structure remains open and is difficult to secure. There are openings in the roof and walls in several places. Some of the doors are unsecured and impossible to lock because they have been damaged. While EPA has been on-site, there has been an on-going issue with theft after hours. Attempts at securing the building have resulted in the perpetrators creating new openings by scaling the building and breaking windows or removing portions of poorly constructed walls. These incidents of breaking and entry, theft and attempted theft indicate that trespassing and/or vandalism is a possibility which could potentially contribute to a release at the Site.

Many of the containers within the buildings are in poor condition and left unattended will continue to deteriorate due to exposure to the elements and/or freeze-thaw cycles. The potential for a failure of one or more of these containers does exist. Currently, rainwater enters the buildings through various openings, creating large puddles of pooled water that also come in contact with some of the chemical containers. This condition will worsen over time as the weather continues to negatively affect the buildings and its contents.

Residences are located within less than 100 feet of the building. The nearest school is located approximately 0.25 miles away. There are five schools located within a ½ mile radius. The residences would be impacted should a release occur. The schools would

potentially be impacted in the event of an air release; especially one caused by a fire at the Site.

Additionally, there have been several incidents of breaking and entry at this Site during the auction-related activities. The perpetrators have been removing copper wires from the plant electrical system. These actions have demonstrated that the Site is an obvious target for vandals/burglars who might accidentally or deliberately cause a fire at the Site, thereby increasing the potential for an air release of toxic fumes due to a fire. Run-off from fire-fighting activities would also present an increased risk of release to the surrounding environment.

EPA and the Trustee are currently working with local authorities to prevent further break-ins at the Site; however, leaving the Site unattended with chemicals in storage would create an increased risk of release, fire and/or explosion.

Finally, the Site is bordered by a railroad line, U.S. Highway Route 46, and is within 1/10 of a mile of a busy thoroughfare and a public park. All of these areas would potentially be impacted by a release of contaminants to the environment.

(iii) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;

Since the removal action began on April 27, 2009, EPA assumed control of the furnaces that contained the 170 tons of molten sodium nitrite-sodium/potassium nitrate mixture (an oxidizer) to ensure it would not solidify in the furnaces. That material has since been removed from the furnaces and has been reclaimed for re-use.

Additionally, EPA identified approximately 596 55-gallon drums, approximately 300 5-gallon and smaller containers and 150 laboratory sized containers in various site buildings. Many of these containers are in poor condition, are opened and/or improperly stored, and the contents of many are unknown. In addition to the containers being in poor condition, the deteriorated building they are located in will act to accelerate their decline. There are also several open top vats that contain acids/bases and open sumps beneath the zinc plating lines that contain corrosive liquids of unknown composition. It is currently unknown if the sumps have leaked in the past or are actively releasing to the environment at this time.

There are seven above-ground storage tanks and one under-ground storage tank located on-site. A full characterization of all tanks is pending. Materials identified as having been stored in the tanks include ammonia, propane, hydrogen, nitrogen and oil.

(v) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

The Trustee has indicated that there are insufficient funds to maintain utility services at the Site for a prolonged period of time. Additionally, there are insufficient funds to perform significant maintenance on the building and there is evidence that the structures are leaking and are deteriorating. Wind, rain and snow will continue to compromise the building's integrity. Without maintenance, the building's roof will deteriorate further allowing rain, snow and ice to continue to enter the building and contact chemical/waste containers. Freezing and thawing of the materials during seasonal changes will contribute to the release of hazardous wastes/substances staged inside.

(vi) Threat of fire or explosion;

The potential for a fire or explosion at the Site does exist. The current condition of the containers makes it possible that leaks could occur at any time. Should incompatible materials come in contact with each other, an uncontrolled reaction including fire or explosion could occur.

There are significant amounts of a sodium nitrite/nitrate mixture, an oxidizer, currently stored on-site. The incidents of breaking and entry mentioned in Paragraph III (A)(i) have demonstrated that the Site is target for vandals/burglars who might accidentally or deliberately cause a fire on-site. Should a fire occur, the oxidizer materials would significantly contribute to the fire. This material is also explosive under certain conditions. Leaving the Site unattended with chemicals in storage would create an increased risk of release, fire or explosion.

Shock sensitive picric acid, an explosive, has also been discovered in one of the laboratories on-site. These materials have been removed from the Site and detonated at an off-site location using funds from the verbal authorization granted on April 22, 2009.

(vii) The availability of other appropriate federal or state response mechanisms to respond to the release.

No other federal or state response mechanism is available to respond to the threats present at the Site.

B. Threats to the Environment

The Site is located in a predominantly residential area. In the event of a release, the natural flora and fauna in these areas will be negatively impacted. A release may also result in hazardous substances being transported off-site via surface water runoff or by entering the groundwater. Storm water transport of site contaminants would impact the Passaic River that is within $\frac{3}{4}$ mile of the Site.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COST

A. Proposed Actions

1. Proposed action description

EPA conducted initial site visits on March 11, 2009 and subsequently on April 21, 2009. At that time it was determined that the Site met the criteria for a removal action. Verbal authorization in the amount of \$300,000 was received on April 22, 2009. EPA mobilized the ERRS contractor and AST on April 27, 2009 to initiate an emergency removal action. Actions completed to date include:

- Air monitoring and radiation surveys;
- Inventory of chemical containers and tanks;
- Re-staging of chemical containers;
- Stabilization of high hazard chemical containers;
- Sampling and preliminary characterization of chemicals/wastes;
- Removal of the shock sensitive picric acid; and
- Securing of a radiation source discovered in one of the on-site laboratories.

Additionally, EPA has taken actions to ensure the safety of the general public and prevent accidental spills that could have occurred during site auction-related activities. During inventory and assessment, EPA has also discovered and identified various chemical products and facilitated in reclaiming those materials for use/re-use.

In order to completely mitigate the threats posed by the Site, the following scope of work will be continue to be implemented:

- Providing site security and/or warning signs;
- Air monitoring;
- Continue segregating drums and other containers by compatible chemical characteristics;
- Over packing and/or re-containerizing of chemical drums/containers to prevent a release and/or in preparation for transportation and disposal;
- Bulking compatible chemicals and wastes as deemed feasible/necessary for transport and disposal;
- Multi-media sampling and laboratory analysis (with appropriate QA/QC);
- Waste/chemical removal from tanks, vats, sumps and troughs;

- Transporting all wastes to off-site disposal facilities that are in compliance with EPA off-site disposal regulations;
- Decontamination of site equipment and building surfaces as necessary;
- Soil (surface and subsurface) and building/equipment surface sampling and analysis to determine if residual contamination is present in concentrations that would require further removal consideration;
- Post removal site controls.

2. Contribution to remedial performance

The response measures proposed in this Action Memorandum will address the threats posed to public health through removal of hazardous substances and wastes. The proposed action will contribute to any long-term action with respect to the release or threatened release of hazardous substances at the Site.

3. Description of alternative technologies

Alternative technologies have been considered in terms of whether the technology provided timely response and protection of human health and the environment. The removal action is appropriate based upon the criteria of effectiveness, feasibility, and cost.

4. Engineering evaluation/cost analysis (EE/CA)

Due to the time-critical nature of this removal action, an EE/CA will not be prepared.

5. Applicable and relevant and appropriate requirements (ARARs)

ARARs within the scope of this removal action, including the RCRA, Toxic Substance Control Act, and the Hazardous Materials Transportation Uniform Safety Act regulations that pertain to the disposal of hazardous wastes, will be met to the extent practicable. The Occupational Safety and Health Act regulations that pertain to health and safety will also be met to the extent practicable.

6. Project schedule

Assuming approval of this Action Memorandum, the anticipated date for completion of field activities is currently September 30, 2009. Unforeseen conditions may affect the anticipated completion date of field activities.

B. Estimated Costs**EXTRAMURAL COSTS:**

	Verbal Authorization Ceiling Amount Granted on April 22, 2009	Ceiling Increase Requested in this Action Memorandum	Proposed New Total Project Ceiling
Total Cleanup Contractor Cost (Includes 20% Contingency)	\$250,000	\$ 900,000	\$1,150,000
Other Extramural Costs	\$50,000	\$150,000	\$200,000
Subtotal, Extramural Costs	\$300,000	\$1,050,000	\$1,350,000
Extramural Cost Contingency	\$0	\$200,000	\$200,000
Total, Extramural Removal Action Project Ceiling	\$300,000	\$1,250,000	\$1,550,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed action, or no action, would result in the release of hazardous substances into the environment, exposing individuals who enter the Site and adjacent residents to hazardous substances.

VII. OUTSTANDING POLICY ISSUES

There are no known outstanding policy issues associated with the Site at the present time.

VIII. ENFORCEMENT

Efforts will be made to identify the viability of the site owner(s) and any other Potentially Responsible Parties (PRPs) to assume responsibility for the cost of the cleanup. The On-Scene Coordinator will work with the Removal Action Branch, the Office of Regional Counsel and the NJDEP in an attempt to locate all viable PRPs to recover cleanup costs.

Based on full cost accounting practices, the total EPA costs for this removal action that would be eligible for cost recovery are estimated to be \$2,324,541.00. The following chart describes the costs which EPA believes are eligible for cost recovery as part of this removal action.

Cost Type	Funding Requested in this Action Memorandum
Direct Extramural Costs	\$1,550,000
Direct Intramural Costs	\$220,000
Subtotal, Direct Costs	\$1,770,000
Indirect Costs (Total Direct Costs x	\$554,541
Regional Indirect Cost Rate of 31.33%)	
Estimated EPA Costs Eligible for Cost Recovery	\$2,324,541

Note: Direct costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including any Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual costs from this estimate will affect the United States' right to cost recovery.

IX. RECOMMENDATION

This decision document represents the selected removal action for the Alfred Heller Heat Treating Site located in Clifton, Passaic County, New Jersey. This document was developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based on the administrative record being prepared for the Site.

Conditions at the Site continue to meet the NCP Section 300.415(b)(2) criteria for a removal action and I recommend your formal approval of this Action Memorandum. The total project ceiling approved by the April 22, 2009 Verbal Authorization provided a total project ceiling of \$300,000. In addition, this Action Memorandum requests a ceiling increase of an additional \$1,250,000 of Direct-Extramural Funds, of which \$ 900,000 is from the Regional Removal Advice of Allowance. The total site ceiling would be raised to \$1,550,000, of which \$1,150,000 would be for mitigation contracting. There are sufficient funds in our Advice of Allowance to fund this increase.

Please indicate your formal approval of the Verbal Authorization granted and request for ceiling increase for the removal action at the Alfred Heller Heat Treating Site, as per current Delegation of Authority, by signing below.

Approved: _____

Walter E. Mugdan, Director
Emergency and Remedial Response Division

Date: _____

7/14/09

Disapproved: _____

Walter E. Mugdan, Director
Emergency and Remedial Response Division

Date: _____

cc: (after approval is obtained)

W. Mugdan, ERRD-D
J. LaPadula, ERRD-DD
E. Mosher, ERRD-RPB
J. Rotola, ERRD-RAB
J. Daloia, ERRD-RPB
E. Wilson, ERRD-RAB
G. Zachos, ERRD
B. Grealish, ERRD-RAB
D. Karlen, ORC-NJSFB

R. Van Fossen, NJDEP-RSP
T. Grier, 5202G
E. Moriarty OPM-GCMB
R. Manna, OPM-FMB
K. Giacobbe, OPM-GCMB
D. Vizian, OPM
P. Seppi, CD-PAD
P. Brandt, PAD
D. Schwenk, ORC-NJSFB